

REMARKS

This response is being filed together with a Request for Continued Examination. After entry of the foregoing amendments, claim 86 will remain pending in this application. Claims 1-85 are cancelled. Applicants reserve the right to pursue the subject matter of any cancelled claims in this or a continuing or divisional application. No new matter is introduced. New claim 86 is supported by the claims as originally filed. Claim 86 is also supported, for example, at page 29, line 16 to line 18, page 45 line 32 to line 34, page 47 line 13 to line 16, page 47 line 28 to line 30, page 50 line 8 to line 11, page 26 line 6 to line 8 and throughout the specification as filed.

New claim 86 is written in the form suggested as acceptable by the Examiner “wherein said cytokine has the amino acid of SEQ ID NO:1, except that it...” (Office Action of 07/01/2010 at page 3).

The objections to claims 23, 73, 74 and 79-81 alleging improper dependent form should be withdrawn.

The Office has objected to claims 23, 73, 74 and 79-81 as allegedly being in improper dependent form. Applicants respectfully disagree. Nonetheless, in an effort to advance prosecution and without acquiescing to the objection, applicants have cancelled claims 1-85 but reserve the right to pursue the subject matter of these claims in this or a continuing or divisional application. The rejections are now moot and applicants respectfully request their withdrawal.

The rejections alleging indefiniteness under 35 USC § 112 should be withdrawn.

The Office has rejected claims 35, 36, 75, 76, 82, and 83 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter as required under 35 USC § 112. Applicants respectfully disagree. Nonetheless, in an effort to advance prosecution and without acquiescing to the objection, applicants have cancelled claims 1-85 but reserve the right to pursue the subject matter of these claims in this or a continuing or divisional application. The rejections are now moot and applicants respectfully request their withdrawal.

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PATENT

The rejections under 35 USC § 112, first paragraph should be withdrawn.

The Office has rejected claims 20-23, 26-28, 33-36, 53, 54, 58-62, 69, and 72-85 as allegedly failing to comply with the written description requirement. Applicants respectfully disagree. Nonetheless, in an effort to advance prosecution and without acquiescing to the objection, applicants have cancelled claims 1-85 but reserve the right to pursue the subject matter of these claims in this or a continuing or divisional application. The rejections are now moot and applicants respectfully request their withdrawal.

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable action on the merits is respectfully requested. If a telephone conversation would further the prosecution of this case, the examiner is invited to telephone the undersigned at his convenience.

Date: December 29, 2010

/J. Vaughn Spencer/
J. Vaughn Spencer
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